



WEB COPY

W.P(MD)No.22800 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.22800 of 2021

and

W.M.P (MD) .Nos.19264 and 19266 of 2021

P.Saravanan

... Petitioner

versus

1.The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound,
College Road,
Chennai.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer,
O/o.The District Educational Office,
Srivilliputhur,
Virudhunagar District.

4.The Head Master,
Government Higher Secondary School,
Krishnankovil,
Virudhunagar District.

5.The Registrar,
Alagappa University,
Alagappapuram Post,
Karaikudi,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.71/2021 dated 14.12.2021 passed by the fourth respondent and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R4



ORDER

This writ petition has been filed against the order of cancelling the incentive increments provided to the petitioner and the consequent order of recovery.

2. The learned counsel for the petitioner submits that the impugned order has been passed without providing any opportunity to the petitioner. The incentive increment is provided to the petitioner for several years and without issuing any notice, the impugned order is passed denying the incentive increment to the petitioner.

3. The learned Additional Government Pleader appearing for the respondents submit that the petitioner is not entitled for the incentive increments, as per the Government Order in G.O(1D).No.18 School Education (E2) Department dated 18.01.2013 and therefore the mistake has been rectified by the impugned order.

4. On perusal of the records, it is seen that the impugned order has been passed without providing any opportunity to the petitioner, which is in violation of the principle of natural justice.

5. Considering the rival submissions and the limited prayer sought for in the writ petition, this writ petition is disposed of with a directions to the respondent to provide an opportunity to the petitioner and to decide the case afresh by assigning the reasons for the decision. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

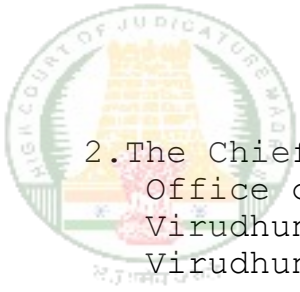
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of School Education,
O/o. the Commissioner of School Education,
DPI Compound,
College Road, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer,
O/o.The District Educational Office,
Srivilliputhur,
Virudhunagar District.

4.The Head Master,
Government Higher Secondary School,
Krishnankovil,
Virudhunagar District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3896[F] dated
03/02/2022)

+1 CC to M/s.SPL.GP (SR-4000[F] dated 03/02/2022)

W.P (MD) No.22800 of 2021
02.02.2022

RK(31/03/2022) 3P 7C